

FILED

APR 27 1982

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE MATTER OF THE RACHEL)
JUNKER ESTATE, Raymond Junker,)
Executor.)

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Filed April 27, 1982

MARIAN PATERNI, et al.,)
)
Plaintiffs-Appellants.)

2-116
2-67072

Appeal from Grundy District Court - Carroll E. Engelkes, Judge, and L. B. Lybbert, Judge, on Iowa R. Civ. P. 179(b) motion.

Plaintiffs appeal from the trial court's ruling which denied their petition to remove the executor and ordered the appointment of a temporary special administrator "to investigate the matter of the Real Estate Contract dated July 9, 1976 and its terms to determine relevant facts, and make such application to the Court as he deems to be consistent with the best interests of the estate, and abide the further order of the Court." **AFFIRMED.**

James C. Ellefson and John L. Butler of Lundy, Butler & Lundy, Eldora, for plaintiffs-appellants.

David J. Dutton and James R. Hellman of Mosier, Thomas, Beatty, Dutton, Braun & Staack, Waterloo, for defendants-appellees.

Allen Brennecke and James R. Moore of Welp Law Firm, Marshalltown, for Raymond Junker, individually.

Heard by Oxberger, C.J., and Donielson, Snell, Carter, and Johnson, JJ.

PER CURIAM

Plaintiffs appeal from the trial court's ruling which denied their petition to remove the executor and ordered the appointment of a temporary special administrator "to investigate the matter of the Real Estate Contract dated July 9, 1976 and its terms to determine relevant facts, and make such application to the Court as he deems to be consistent with the best interests of the estate, and abide the further order of the Court." Our de novo review of the record in this case indicates that the trial court did not abuse its broad discretion when it denied plaintiffs' petition to remove the executor. In re Lininger's Estate, 230 Iowa 201, 205, 297 N.W. 310, 312 (1941). Additionally, we find the trial court acted within its statutory authorization when it appointed a temporary special administrator pursuant to section 633.343, The Code 1981. We, therefore, affirm the trial court without further discussion.

AFFIRMED.